

CONFIDENTIAL

SUBJECT TO PROTECTIVE ORDER

# Exhibit 5

**February 10, 2021 Letters to Virgil Sigma, Silverbank,  
and Kaplan, Hecker & Fink**

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**From:** [REDACTED]  
**Sent:** Wednesday, February 10, 2021 11:22 AM  
**To:** [REDACTED]@kaplanhecker.com  
**Cc:** [REDACTED]  
**Subject:** Formal request for repayment  
**Attachments:** 20210210 - Letter from CACEIS to VIRGIL et al.pdf

Dear [REDACTED],

Please find attached hereto a pdf copy of a formal request for repayment from CACEIS Bank, Luxembourg Branch.

Best regards,

[REDACTED]  
[REDACTED]  
Legal Department Luxembourg  
CACEIS Bank, Luxembourg Branch  
**CACEIS**  
5 Allée Scheffer L-2520 Luxembourg  
Tél. +352 4767 2731  
[REDACTED]@caceis.com  
[www.caceis.com](http://www.caceis.com) - [Disclaimer](#)

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# Attachment



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**VIRGIL SIGMA FUND, LP**  
44 Montgomery Street 3<sup>rd</sup> FL  
San Francisco, CA 94104  
[REDACTED]@virgilcap.com  
[REDACTED]@virgilcap.com  
[REDACTED]@virgilcap.com

**SILVER GATE Bank**  
4250 Executive Square, suite 300  
La Jolla, CA 92037  
[cashmanagement@silvergate.com](mailto:cashmanagement@silvergate.com)  
Fax: +1 858-457-1613

Copy to  
**KAPLAN HECKER & FINK LLP**  
350 Fifth Avenue, suite 7110  
New York, New York 10118

To the attention of [REDACTED]  
[REDACTED]@kaplanhecker.com

Luxembourg, 10 February 2021

*Registered letter with acknowledgment of receipt  
Copy sent by e-mail and/or fax*

**Subject matter: formal request for repayment**

Dear Madam, dear Sir,

We, CACEIS Bank, Luxembourg Branch ("**CACEIS**"), are acting as depositary bank and registrar and transfer agent of the Luxembourg fund **Client A** (the "**Fund**").

The Fund is holding shares in Virgil Sigma Fund, LP. On 31 December 2020, upon instruction of the Fund, CACEIS issued a redemption order that has not yet been executed.

On that same day, CACEIS mistakenly wired an amount of 2,500,421.63 USD to the bank account 5090007013 of Virgil Sigma Fund, LP, opened in the books of Silvergate Bank.

We hereby request that you confirm receipt of this erroneous payment (Swift references are copied below).

20:SWFLR 024078433  
:23B:CRED  
:32A:201231USD2500421,63  
:33B:USD2500421,63  
:50F:/LU450070043724542USD  
1/CACEIS BL / TIERS TECHNIQUE  
2/5 ALL E SCHEFFER  
3/LU/LUXEMBOURG  
:53A:/796706786  
BSUILLULLXXX  
:56A:PCBBUS66XXX  
:57A:SIVGUS21XXX  
:59:/5090007013  
VIRGIL SIGMA FUND LP  
:71A:OUR

**CACEIS Bank, Luxembourg Branch**

5, Allée Scheffer L-2520 – Adresse Postale : BP 1104 L-1011 Luxembourg  
Tél. +352 47 67 9 – Fax +352 47 67 68 69  
R.C.S. Luxembourg : 209310 – TVA : LU 28850859  
[www.caceis.com](http://www.caceis.com)

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For the avoidance of doubt, we confirm and reiterate that, to the best of our knowledge, neither CACEIS, nor the Fund owes that amount (nor any other amount) to Virgil Sigma Fund, LP, or to Silvergate Bank, who may not legally keep this amount.

Therefore, assuming that you received our erroneous payment, we hereby request the full repayment of the amount of 2,500,421.63 USD within the next eight (8) business days on the following Bank account CHASUS33XXX aba 021000021 account number 796706786 in favour of CBL BSUILULLXXX.

All rights reserved.

Yours faithfully,

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**From:** [REDACTED]  
**Sent:** Wednesday, February 10, 2021 11:22 AM  
**To:** [REDACTED]@virgilcap.com; [REDACTED]@virgilcap.com; [REDACTED]@virgilcap.com  
**Cc:** [REDACTED]  
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[REDACTED]  
Legal Department Luxembourg  
CACEIS Bank, Luxembourg Branch  
**CACEIS**  
5 Allée Scheffer L-2520 Luxembourg  
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44 Montgomery Street 3<sup>rd</sup> FL  
San Francisco, CA 94104  
[REDACTED]@virgilcap.com  
[REDACTED]@virgilcap.com  
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Fax: +1 858-457-1613

Copy to  
**KAPLAN HECKER & FINK LLP**  
350 Fifth Avenue, suite 7110  
New York, New York 10118

To the attention of [REDACTED]  
[REDACTED]@kaplanhecker.com

Luxembourg, 10 February 2021

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**Subject matter: formal request for repayment**

Dear Madam, dear Sir,

We, CACEIS Bank, Luxembourg Branch ("**CACEIS**"), are acting as depositary bank and registrar and transfer agent of the Luxembourg fund **Client A** (the "**Fund**").

The Fund is holding shares in Virgil Sigma Fund, LP. On 31 December 2020, upon instruction of the Fund, CACEIS issued a redemption order that has not yet been executed.

On that same day, CACEIS mistakenly wired an amount of 2,500,421.63 USD to the bank account 5090007013 of Virgil Sigma Fund, LP, opened in the books of Silvergate Bank.

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**CACEIS Bank, Luxembourg Branch**

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**From:** [REDACTED]  
**Sent:** Wednesday, February 10, 2021 11:22 AM  
**To:** cashmanagement@silvergate.com  
**Cc:** [REDACTED]  
**Subject:** Formal request for repayment  
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Best regards,

[REDACTED]  
[REDACTED]  
Legal Department Luxembourg  
CACEIS Bank, Luxembourg Branch  
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